

AMENDED IN SENATE JANUARY 25, 2010

AMENDED IN SENATE MAY 7, 2009

AMENDED IN SENATE APRIL 13, 2009

**SENATE BILL**

**No. 228**

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**Introduced by Senator DeSaulnier**

February 23, 2009

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An act to add ~~Section~~ *Sections 40116.5 and 42357.5* to the Public Resources Code, relating to plastic bags.

LEGISLATIVE COUNSEL'S DIGEST

SB 228, as amended, DeSaulnier. Plastic bags: compostable plastic bags.

The California Integrated Waste Management Act of 1989, administered by the ~~California Integrated Waste Management Board~~ *Department of Resources Recycling and Recovery*, prohibits a person from selling a plastic bag in this state that is labeled with the term "compostable" or "marine degradable" unless, at the time of sale, the plastic bag meets specified standards for those types of bags.

This bill would require, beginning July 1, ~~2010~~, *2011*, a manufacturer of a compostable plastic bag meeting those standards to ensure that the compostable plastic bag is ~~readily and easily identifiable~~ *"readily and easily identifiable," as the bill would define that term*, from other plastic bags. ~~The bill would define "readily and easily identifiable," to include labeling with a board approved certification logo.~~ The bill would prohibit a compostable plastic bag sold in the state from displaying a chasing arrow resin identification code or recycling type of symbol in any form. The bill would require the manufacturers or suppliers of compostable *plastic* bags to submit a yearly report to the ~~board~~ *department* containing

certain information; *and* subject those manufacturers or suppliers to audit by the board, and require the board to refer a false or misleading certification or other information reported by those manufacturers or suppliers to the Attorney General for prosecution *department*.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 40116.5 is added to the Public Resources  
2     Code, to read:  
3     40116.5. “Department” means the Department of Resources  
4     Recycling and Recovery.  
5     ~~SECTION 1.~~  
6     SEC. 2. Section 42357.5 is added to the Public Resources Code,  
7     to read:  
8     42357.5. (a) Beginning July 1, ~~2010~~, 2011, a manufacturer of  
9     a compostable plastic bag meeting an ASTM standard specification  
10    specified in paragraph (1) of subdivision (b) of Section 42356 or  
11    Section 42356.1 shall ensure that the compostable plastic bag is  
12    readily and easily identifiable from other plastic bags.  
13    (b) For purposes of this section, “readily and easily identifiable”  
14    means labeling that meets both of the following requirements:  
15    (1) Labeled with a ~~board approved~~ certification logo indicating  
16    the bag meets the ASTM D6400 standard specification if the bag  
17    has been certified as meeting that standard *by a recognized*  
18    *third-party independent verification*.  
19    (2) Labeled in accordance with one of the following:  
20    (A) The bag is made of a uniform color of green and labeled  
21    with the word “compostable” on one side of the bag, and the label  
22    shall be at least one inch in height.  
23    (B) Labeled with the word “compostable” on both sides of the  
24    bag and the label shall be one of the following:  
25    (i) Green color lettering at least one inch in height.  
26    (ii) Within a contrasting green color band of at least one inch  
27    in height on both sides of the bag with color contrasting lettering  
28    of at least one-half inch in height.  
29    (c) *Notwithstanding paragraph (2) of subdivision (b), if the bag*  
30    *is smaller than 14 inches by 14 inches, the lettering and stripe*  
31    *shall be in proportion to the size of the bag.*

1     ~~(e)~~

2     ~~(d)~~ A compostable plastic bag sold in the state shall not display  
3 a chasing arrow resin identification code or recycling type of  
4 symbol in any form.

5     ~~(d)~~

6     ~~(e)~~ (1) Each manufacturer or supplier of a compostable *plastic*  
7 bag shall submit a report to the ~~board~~ *department* containing the  
8 certification required by this section for the preceding calendar  
9 year, together with any other information that the ~~board~~ *department*  
10 may require. *The department shall retain the reports and a list of*  
11 *manufacturers or suppliers that have fulfilled the requirements of*  
12 *this section. The department shall make the reports available to*  
13 *the public upon request.*

14     (2) Each manufacturer or supplier required to provide  
15 certification or any information pursuant to this section ~~shall~~ *may*  
16 be subject to audit by the ~~board~~ *department*.

17     ~~(3) If a manufacturer or supplier provides the board with a false~~  
18 ~~or misleading certification or other information, the board, within~~  
19 ~~30 days of determining that fact, shall refer the false or misleading~~  
20 ~~certification to the Attorney General for prosecution for fraud.~~